

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1813 - HB 1950

March 17, 2022

SUMMARY OF BILL: Expands the list of offenses for which there is no statute of limitations if the victim is an adult and notified law enforcement or the office of the District Attorney General of the offense within three years.

FISCAL IMPACT:

Increase State Expenditures – \$220,100 Incarceration

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-2-101(b), prosecution for a felony offense is required to begin within:
 - Class A felony – 15 years;
 - Class B felony – 8 years;
 - Class C or Class D felony – 4 years; and
 - Class E felony – 2 years.
- The proposed legislation adds the following offenses for which there is no statute of limitations if the victim is an adult and notified law enforcement or the office of the District Attorney General of the offense within three years:
 - Aggravated sexual battery;
 - Sexual battery;
 - Promoting prostitution;
 - Aggravated prostitution;
 - Public indecency when the offense is a felony offense;
 - Promoting travel for prostitution;
 - Trafficking for a commercial sex act;
 - Unlawful photographing in violation of privacy when the offense is a felony offense;
 - Conspiracy to commit any of the offenses listed;
 - Criminal attempt to commit any of the offenses listed;
 - Solicitation to commit any of the offenses listed; and
 - Facilitation of any the offenses listed.
- Under current law, the first possible year the statute of limitation would expire for the following offenses occurring on or after July 1, 2022 is 2024:
 - Sexual battery; and
 - Promoting prostitution;

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- As such, the first year of possible impact resulting from the repeal of such statute of limitations is FY24-25.
- Under current law, the first possible year the statute of limitation would expire for the following offenses occurring on or after July 1, 2022 is 2026:
 - Aggravated prostitution;
 - Attempted Rape;
 - Attempted Aggravated Sexual Battery; and
 - Attempted Aggravated Prostitution.
- As such, the first year of possible impact resulting from the repeal of such statute of limitations is FY26-27.
- Under current law, the first possible year the statute of limitation would expire for the following offenses occurring on or after July 1, 2022 is 2030:
 - Aggravated sexual battery;
 - Trafficking for a commercial sex act; and
 - Attempted Aggravated Rape.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The estimated increase in incarceration costs are estimated to be the following over the next ten-year period:

Increase State Expenditures	
Amount	Fiscal Years
N/A	FY22-23
N/A	FY23-24
\$ 30,500	FY24-25
\$ 43,400	FY25-26
\$ 85,100	FY26-27
\$ 126,500	FY27-28
\$ 165,700	FY28-29
\$ 184,300	FY29-30
\$ 201,800	FY30-31
\$ 220,100	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring costs increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$220,100.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

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